

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 96

Introduced by Assembly Member Cohn
(Principal coauthor: Senator Alquist)

January 11, 2005

~~An act to add Section 676 to the Penal Code, relating to probation.~~
An act to add Section 3005.5 to the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 96, as amended, Cohn. ~~Sentencing—Parole:~~ high-risk sex offenders: ~~enhancements:~~ tracking.

Under existing law, the parole authority may require an inmate, as a condition of release on parole, or a parolee, as an intermediate sanction in lieu of being sent back to prison, to be subject to electronic monitoring.

This bill would require every inmate who the department has determined is a sex offender who poses a high risk to the public, to be outfitted with a global positioning satellite tracking device, prior to being released on parole. The bill would authorize the person's parole agent to remove the device when the parolee can show proof of having registered as a sex offender.

~~Existing law establishes various sentencing enhancements for various crimes, circumstances, and conduct.~~

~~This bill would establish a sentence enhancement of 5 years in the state prison for any high-risk sex offender convicted of a felony, as specified.~~

~~By increasing the burden on local prosecuting authorities, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION. 1 Section 3005.5 is added to the Penal Code, to
2 read:

3 3005.5. Prior to being released on parole, every inmate who
4 the department has determined is a sex offender who poses a
5 high risk to the public, shall be outfitted with a global positioning
6 satellite tracking device. The device may be removed by the
7 person's parole agent when the parolee can show proof of
8 having registered as a sex offender pursuant to Section 290.

9 SECTION 1. Section 676 is added to the Penal Code, to read:

10 676. Any person who is a high-risk sex offender as defined in
11 subdivision (b) of Section 290.45, who is convicted of, or pleads
12 nolo contendere to, any felony, shall, in addition to any other
13 penalty imposed, be punishable by five years imprisonment in
14 the state prison. This term of imprisonment shall be served
15 consecutively, where any other term of imprisonment is imposed.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the
21 penalty for a crime or infraction, within the meaning of Section
22 17556 of the Government Code, or changes the definition of a
23 crime within the meaning of Section 6 of Article XIII B of the
24 California Constitution.

O